

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DEBORAH M. DEMACK,

Plaintiff,

v.

CIV 10-00288 KBM/WDS

OFFICE OF THE ATTORNEY GENERAL  
of the State of New Mexico, GARY K. KING,  
Attorney General, individually and in his official  
capacity, ALBERT J. LAMA, Chief Deputy Attorney  
General, individually and in his official capacity,

Defendants.

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS  
AND DENYING HER MOTION FOR SANCTIONS**

THIS MATTER is before the Court on Plaintiff's Objections to Magistrate Judge Schneider's Order (*Doc. 66*) denying Plaintiff's Motion for Protective Order (*Doc. 47*). The Court has carefully reviewed the objections, the briefing and relevant authorities. I find that they are without merit and should be overruled.

In conjunction with their motion for summary judgment, Defendants submitted Supervisor Karen Meyer's Memo setting forth her evaluation of Plaintiff's job performance. Plaintiff seeks a protective order as to that document which she characterizes as a "confidential employment record" protected by the New Mexico IPRA. *Doc. 68* at 2. She has also filed a motion seeking sanctions for the alleged violation of that act. *See Doc. 62*.

I find that Judge Schneider's decision is neither clearly erroneous nor contrary to law. In fact, I agree completely with his thorough analysis, especially his conclusion that even if "the document in question would not otherwise be subject to public examination under the IPRA, it is

undisputed that the reason for Plaintiff's termination is the subject of this lawsuit." *Doc. 66* at 2. Therefore, Plaintiff waived any confidentiality concerns as to the memo by bringing claims alleging that adverse employment actions resulted from sex discrimination rather than her job performance.

Wherefore,

**IT IS HEREBY ORDERED** that Plaintiff's Objections to Magistrate Judge Schneider's Order (*Doc. 66*) are **overruled**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Sanctions (*Doc. 62*) is **denied** for the same reasons.

  
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CHIEF UNITED STATES MAGISTRATE JUDGE